

FILED

JUN 30 2008

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY *[Signature]* DEPUTY

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 858

UNITED STATES OF AMERICA

) Magistrate Case No.:

Plaintiff,

) COMPLAINT FOR VIOLATION OF

v.

)

Jose Ruben HERNANDEZ-Bugarin

) Title 8, U.S.C., Sec., 1326

Defendant.

) Attempted Entry After Being
Ordered Deported/Removed

)

The undersigned complainant, being duly sworn, states:

On June 27, 2008, within the Southern District of California, the defendant, Jose Ruben HERNANDEZ-Bugarin an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e., conscious desire, to enter the United States at the Calexico Port of Entry without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached probable cause statement which is incorporated herein by reference.

Leticia Casillas
 Leticia Casillas, CBP
 Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS DATE 30TH DAY OF June, 2008.

Peter C. Lewis
 PETER C. LEWIS
 UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 V

2 Jose Ruben HERNANDEZ-Bugain

3 PROBABLE CAUSE STATEMENT

4 I, Customs Border Protection Criminal Enforcement Officer
5 Leticia Casillas, declare under penalty of perjury, the
6 following is true and correct:

7 On June 27, 2008, at approximately 09:00 P.M., Jose Ruben
8 HERNANDEZ-Bugain arrived at the Calexico West Port of Entry in
9 Calexico, California pedestrian inspection lane. HERNANDEZ-
10 Bugain applied for entry into the United States by claiming to
11 be a Lawful Permanent Resident and stating that he did not have
12 his card in his possession, and that he was going to Los
13 Angeles, California. When asked to show some identification,
14 HERNANDEZ-Bugain presented his California drivers license.
15 Suspecting fraud, HERNANDEZ-Bugain was referred to pedestrian
16 secondary office for further inspection.

17 In the secondary office, (CBPO) Margarita Haywood conducted
18 fingerprint queries on HERNANDEZ-Bugain which revealed he had
19 been removed from the U.S. HERNANDEZ-Bugain admitted he was a
20 citizen and native of Mexico.

21 At the Port Enforcement Processing area, HERNANDEZ-Bugain
22 was placed under arrest. HERNANDEZ-Bugain was advised of his
23 Miranda warnings in the English language to which he said he
24 understood.

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26 //

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29 //

1 UNITED STATES OF AMERICA

2 v
3 Jose Ruben HERNANDEZ-Bugain

4 Executed on June 28, 2008, at approximately 01:00 P.M.

5 

6 Leticia Casillas, CBP
7 Criminal Enforcement Officer

8

9 On the basis of the facts presented in the probable cause
10 statement consisting of ~~one~~ ² page, I find probable cause to
11 believe that the defendant named in this probable cause
12 statement committed the offense on June 27, 2008 in the
13 violation of Title 8, United States Code, § 1326.

14 
15 HON. Barbara L. Major

16 United States Magistrate Judge

17 
18 Date and Time

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